

The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte AKIO YAMADA and TAKUYA HIGETA

Appeal 2007-0476
Application 10/726,204
Technology Center 2800

Decided: February 28, 2007

Before EDWARD C. KIMLIN, BRADLEY R. GARRIS, and
THOMAS A. WALTZ, *Administrative Patent Judges*.
KIMLIN, *Administrative Patent Judge*.

ORDER REMANDING TO THE EXAMINER

This is an appeal from the Examiner's final rejection of claims 1-11 and 15. Claim 1 is illustrative:

1. A connector comprising a housing and a required number of pusher members, said housing including a fitting aperture into which at least three flexible printed circuit boards are inserted, said housing further including an insertion opening for holding said required number of pusher members so that when said flexible printed circuit boards are inserted into said fitting aperture of said housing, contact portions of said at least three flexible

printed circuit boards are urged by said pusher members so as to be connected to each other to achieve electrical continuity of the connector, wherein said pusher members have substantially a U-shape and are formed of a unitary part and said pusher members each comprise pushing portions extending towards the flexible printed circuit boards.

On July 24, 2006, Appellants filed a Reply Brief containing two new arguments that were not presented in the principal Appeal Brief. The Examiner noted Appellants' Reply Brief but did not offer any response to the new arguments set forth by Appellants. Accordingly, this application is remanded to the Examiner for the purpose of directing the Examiner to respond to the new arguments in Appellants' Reply Brief.

The Examiner should also determine the weight accorded to the claim recitations "a fitting aperture into which at least three flexible printed circuit boards are inserted" (claim 1), and "a fitting aperture into which two flexible printed circuit boards are inserted" (claim 2). Specifically, the Examiner should ascertain whether the claim recitations are statements of intended use for the claimed connector, or whether the claim recitations impart a necessary particular structure to the connector. Once this claim interpretation is made, the Examiner can then weigh Appellants' argument that "Roberts does not disclose or suggest the limitation of 'a fitting aperture into which *two* printed circuit boards are inserted'" (principal Brief 10, second para.). Appellants emphasize that Roberts mounts the flexible circuit boards onto pins 11 and 22 during assembly of the connector, and because the flexible circuits of Roberts "are fixed during assembly of the connector,

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they cannot be ‘inserted’ into fitting aperture 18” (principal Br. 10, second para.).

This Remand to the Examiner is made for further consideration of a rejection. Accordingly, 37 C.F.R. § 41.50(a)(2) applies if a supplemental examiner’s answer is written in response to this Remand by the Board.

REMANDED

clj

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